UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,121	11/14/2003	Anton Joseph Kryka	PM060B	2716

7590   09/11/2006

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EXAMINER
HWANG, JOON H

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/714,121	KRYKA ET AL.
	Examiner	Art Unit	
	Joon H. Hwang	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36 and 38-48* is/are rejected.

7)☒ Claim(s) *37* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-48 are pending.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees.   A nonstatutory

obviousness-type double patenting rejection is appropriate where the conflicting claims

are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163

USPQ 644 (CCPA 1969).

        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)

may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of

activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

3.   Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claim 1 of copending Application No.

10/714,122. Although the conflicting claims are not identical, they are not patentably

distinct from each other because of the following reasons: Claim 1 of the instant

application substantially recites the limitations of claim 1 of the cited copending

application.

Claim 1	Copending Application Claim 1
1. An index file for retrieving on an individual basis, imaging data captured from at least one document by an application running on an imaging subsystem of a document processor, the index file comprising a document-type definition file that is processed with the image data by the imaging subsystem application, the imaging subsystem application interpreting the image data to be retrieved according to the document-type definition file.	1. A document processing system having at least one computer running system software that interfaces with transport hardware to provide document control and capture document of images and document data in various formats, wherein an image file stores a plurality of captured document images for subsequent retrieval on an individual basis, the system including a computer readable storage medium storing the system software, the system software on the medium further comprising: instructions for indexing the image file by creating an index file containing indexing data for the captured document images, the index file being in the form of a self-describing document wherein elements describe the indexing data for the captured document images to allow subsequent retrieval of the captured document images on an individual basis.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the cited limitations as indicated claim 1 of the copending

application because the remaining elements would have performed the same function

as before. Such modification would not interfere with the functionality of the remaining

elements.

This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 1-48 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. "An index file" in 1st line of claim 1 is

insufficient to render the claims tangibly embodied in a manner so as to be executable.

See MPEP 2106 (IV)(B)(1)(a) and 2106 (IV)(B)(2)(a). Since claims 2-25 incorporate the

deficiencies of claim 1, they are likewise rejected. "A file" in 1st line of claim 26 is

insufficient to render the claims tangibly embodied in a manner so as to be executable.

See MPEP 2106 (IV)(B)(1)(a) and 2106 (IV)(B)(2)(a). Since claims 27-48 incorporate

the deficiencies of claim 1, they are likewise rejected.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-36 and 38-48 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Anderson et al. (U.S. Publication No. 2004/0015566) in view of Lal

(U.S. Patent No. 6,684,204).

With respect to claim 1, Anderson teaches an index file for retrieving on an

individual basis, imaging data captured from at least one document by an application

running on an imaging subsystem of a document processor, the index file comprising

file that is processed with the image data by the imaging subsystem application, the

imaging subsystem application interpreting the image data to be retrieved according to

the file (sections 60-69 on pages 2-3, sections 85-97 on pages 6-7, section 131 on page

9, and sections 238-245 on pages 14-15). Anderson teaches data for the captured

document images are in XML (sections 1089-1092 on page 56 and section 1107 on

page 56). Anderson does not explicitly disclose the index file comprising a document-

type definition file. However, Lal teaches the index file comprising a document-type

definition file (figs. 4, 5, 7, and 9, lines 1-49 in col. 2, lines 30-38 in col. 4, line 64 in col.

4 thru line 35 in col. 5) in order to effectively search documents in XML. Therefore,

based on Anderson in view of Lal, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to utilize the teaching of Lal to the

system of Anderson in order to effectively search documents in XML.

With respect to claims 2-5 and 22-24, Lal teaches the document-type definition file includes a plurality of elements delineating parameters of the document processor, a plurality of attributes associated with selected ones of the plurality of elements, the association being set forth in an attribute declaration list, wherein selected attributes include a choice subgroup, the choice subgroup having at least two values, the plurality of elements include optional user-defined elements when a predetermined one of the attribute choice subgroup values is selected, the plurality of user-defined elements includes parsed character data and unparsed character data, and a parser for interpreting the data according to the document-type definition file (figs. 4, 5, 7, and 9, lines 1-49 in col. 2, lines 30-38 in col. 4, line 64 in col. 4 thru line 35 in col. 5). Therefore, the limitations of claims 2-5 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claims 6-14, Anderson teaches a check document, a check account number element, document type for element delineating, a check amount element, a check account number element, a check routing and transit number element, a check sequence number element, a transaction number element, and a transcode element (fig. 38, fig. 42, sections 60-69 on pages 2-3, sections 85-97 on pages 6-7, section 131 on page 9, section 188 on pages 12, and sections 238-245 on pages 14-15).

With respect to claims 15-21, Anderson teaches a stub document, an account number element, an amount element, a date element, document type for element delineating, a transcode element, and a transaction number element (fig. 38, fig. 42,

sections 60-69 on pages 2-3, sections 85-97 on pages 6-7, section 131 on page 9,

section 188 on pages 12, and sections 238-245 on pages 14-15).

With respect to claim 25, Anderson teaches the document processor is capable

of being connected to other document processors via a network (figs. 1-3).

With respect to claim 26, Anderson teaches a file for indexing data captured by

an imaging subsystem of a document processing system from at least one document,

the index file being associated with the image data in an imaging file in the imaging

subsystem (sections 60-69 on pages 2-3, sections 85-97 on pages 6-7, section 131 on

page 9, and sections 238-245 on pages 14-15). Anderson teaches data for the

captured document images are in XML (sections 1089-1092 on page 56 and section

1107 on page 56). Anderson does not explicitly disclose the index file comprising a

document-type definition file. However, Lal teaches the index file comprising a

document type definition file having a plurality of element declarations and attribute

declarations, wherein the plurality of element declarations include first elements related

to selected parameters of the document processing system and second elements

related to selected parameters of each at least one document that is processed, and

wherein the attribute declarations include attributes that describe detailed information

about selected ones of the elements (figs. 4, 5, 7, and 9, lines 1-49 in col. 2, lines 30-38

in col. 4, line 64 in col. 4 thru line 35 in col. 5) in order to effectively search documents in

XML. Therefore, based on Anderson in view of Lal, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to utilize the teaching

of Lal to the system of Anderson in order to effectively search documents in XML.

With respect to claims 27-28, Lal teaches selected first elements include first

child elements and selected second elements include second child elements, the first

child elements are elements defining the attributes and data that are common to

subsequent elements (figs. 4, 5, 7, and 9, lines 1-49 in col. 2, lines 30-38 in col. 4, line

64 in col. 4 thru line 35 in col. 5). Therefore, the limitations of claims 27-28 are rejected

in the analysis of claim 26 above, and these claims are rejected on that basis.

With respect to claims 29-32, Anderson teaches information related to the

imaging subsystem, wherein the imaging subsystem includes an identity of the image

storage means, a camera including at least one attribute, the attribute being the identity

of the camera and the identity of the image file associated with the camera (fig. 38, fig.

42, sections 60-69 on pages 2-3, sections 85-97 on pages 6-7, section 131 on page 9,

section 188 on pages 12, and sections 238-245 on pages 14-15).

With respect to claims 33-35, Anderson teaches an image capture server

including the identity of the image capture server and at least one attribute having a

value identifying the document processing system, wherein the value identifying the

document processing system is selected from the group consisting of a name of the

image capture server and a serial number associated with the document processing

system (fig. 38, fig. 42, sections 60-69 on pages 2-3, sections 85-97 on pages 6-7,

section 131 on page 9, section 188 on pages 12, and sections 238-245 on pages 14-

15).

With respect to claims 36 and 38, Anderson teaches a plurality of attributes

defining the at least one document in relation to the imaging subsystem, wherein the

imaging subsystem includes a camera, and one attribute includes information about the skew angle of each at least one document in relation to the camera (fig. 38, fig. 42, sections 60-69 on pages 2-3, sections 85-97 on pages 6-7, section 131 on page 9, section 188 on pages 12, and sections 238-245 on pages 14-15).

With respect to claims 39-40, Anderson teaches parsed character data defining what image character recognition parameters are to be used with the image data of the at least one document and selected image data of the at least on document are captured as a clipped portion of a JPEG image, wherein the image file includes a sub-folder that sets out the coordinates to use when capturing the clipped portion of the JPEG image, and wherein the image character recognition parameters are located in the image file sub-folder (fig. 38, fig. 42, sections 60-69 on pages 2-3, sections 85-97 on pages 6-7, section 131 on page 9, section 188 on pages 12, and sections 238-245 on pages 14-15).

With respect to claims 41-47, Anderson teaches 41. a plurality of attributes defining image information of each of the at least one document processed by the document processing system, wherein one attribute includes a document identification number, image character recognition type, information relating to the dimensions of the image, information relating to the resolution of the image, information relating to the compression of the image, information relating to the threshold value for the image (fig. 38, fig. 42, sections 60-69 on pages 2-3, sections 85-97 on pages 6-7, section 131 on page 9, section 188 on pages 12, and sections 238-245 on pages 14-15).

With respect to claim 48, Anderson teaches the document processor is capable

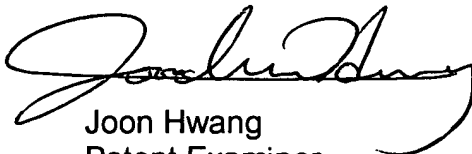of being connected to other document processors via a network (figs. 1-3).

Allowable Subject Matter

8.   Claim 37 is objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joon H. Hwang whose telephone number is 571-272-

4036. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joon Hwang
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9/1/06